

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>LARRY D. SMITH, SR.,</b>	:	<b>CIVIL ACTION NO. 1:05-CV-1194</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>ABF FREIGHT SYSTEMS, INC.,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 21st day of September, 2005, upon consideration of the document (Doc. 13) filed by plaintiff and captioned "Amended Complaint," and it appearing that a motion to dismiss the complaint is pending before the court, (see Doc. 6), and that plaintiff has not sought leave of court for, or averred defendant's consent to, the filing of the document, see FED. R. CIV. P. 15(a) ("[A] party may amend the party's pleading only by leave of court or by written consent of the adverse party. . . ."), it is hereby ORDERED that the document (Doc. 13) is STRICKEN from the record without prejudice to plaintiff's right to seek leave of court for, or defendant's consent to, the filing of an amended complaint.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge